

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BRIAN E. THRANE and JOANN  
THRANE-CARLEY,

Plaintiffs,

**ORDER**

CV 08-4149 (ADS)(ARL)

-against-

LITTON LOAN SERVICES LP and  
FRANKLIN FIRST FINANCIAL, LTD.,

Defendants.

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**LINDSAY, Magistrate Judge:**

By letter application dated September 20, 2010, the parties asked the court to adopt an amended scheduling order which established March 23, 2011 as the discovery end-date, April 20, 2011 as the deadline for commencement of dispositive motion practice, and May 18, 2011 as the deadline for submission of the proposed joint pretrial order. That request was denied. In November 2009, the parties had appeared before the undersigned for a final conference and advised the court that the plaintiffs had just filed a motion to amend despite the fact that both the deadline for doing so and the discovery deadline had expired. The court directed the parties to meet and confer upon receipt of a decision on the motion to amend and, if necessary, to submit an amended scheduling order to the court. Although Judge Spatt issued a decision on the motion to amend on March 12, 2010, and the plaintiffs filed the amended pleading in April, the parties did not contact the undersigned regarding additional discovery until September.

The parties have now advised the court that despite the fact that this case has been pending for two years, the parties have not exchanged any discovery except Rule 26(a) disclosures nor have they taken depositions. Under the circumstances, there is no basis to grant the parties' request for an additional six months to complete discovery and seven months to file dispositive motions. However, preferring to have cases decided on the merits, the court will grant the parties one final sixty day extension to complete all discovery. All discovery, inclusive of expert discovery, must be completed by December 6, 2010. Any party planning on making a dispositive motion shall take the first step in the motion process by December 20, 2010. A final conference will be held on December 29, 2010 at 11:00 a.m. The parties are directed to electronically file a proposed joint pretrial order prior to the final conference. No further adjournments will be granted.

Dated: Central Islip, New York  
October 5, 2010

**SO ORDERED:**

/s/  
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ARLENE R. LINDSAY  
United States Magistrate Judge